

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-104.101 News Media Visitors

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: clarify that Rules 33-104.201-.204, F.A.C., shall govern the procedures for news media visits with those inmates confined under sentenced of death who have an active death warrant; clarify the permissible types of news media visits (Inmate Interviews and Program Visits), how many media representatives may attend each interview, and the permissible times for interviews; specify the requisite information that must be provided to the Department and institution prior to a news media visit; clarify the procedures that news media outlets and representatives must follow in order to be permitted the particular type of interview sought; specify that inmates' attorneys, family members, and doctors may not accompany news media representatives on their visits.
SUBJECT AREA TO BE ADDRESSED: News Media Visitors.

RULEMAKING AUTHORITY: 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-104.101 News Media Visitors.

(1) Permission for visits by bona fide news media representatives shall not be unreasonably withheld. This shall apply for visits to inmates other than death sentence inmates with an active death warrant ~~those confined under sentence of death~~. Rules 33-104.201-.204, F.A.C., shall govern procedures for media interviews with inmates under sentence of death once an execution date has been set. It shall be the

responsibility of the news media representatives requesting the visitation to present to the Office of Public Affairs ~~public affairs office~~, evidence sufficient to establish that such person is a bona fide news media representative; and to provide the information sufficiently in advance that it may be verified.

~~(2)(a)~~ News media representatives consist of persons whose principal employment is gathering and reporting news for a:

~~(a)1-~~ Radio or television program whose primary purpose is news reporting for a licensee of the Federal Communications Commission;

~~(b)2-~~ Newspaper reporting general interest information news and circulated to the public in the community where it is published;

~~(c)3-~~ News magazine that has a national circulation, is sold by mail subscriptions, or on newsstands to the general public; and

~~(d)4-~~ National or international news service.

~~(3)(b)~~ News media visits to correctional facilities shall be pre-arranged with the Office of Public Affairs ~~public affairs office~~. There are two (2) types of media visits allowed under this Rule: Inmate Interviews and Program Visits. The following conditions apply to both types of visits ~~News media representatives shall request access to the facility in writing and shall provide the following information:~~

(a) News media representatives shall be required to provide news station ID and two verifiable contacts for the media group they represent. Phone numbers for these contacts and for each member of a media crew must also be provided. If the contacts provided do not confirm the representative's association with the respective media group, the representative shall be required to provide two additional contacts. If such contacts do not confirm the representative's association with the respective media group, the interview shall be cancelled and the media representative shall not be permitted future interviews.

~~1. Full name, date of birth, race and gender for all persons entering the facility;~~

~~2. Purpose of visit;~~

~~3. Identity of staff or offender to be seen, if applicable; and~~

~~4. Proposed use of camera or other recording devices. The warden must approve possession of news media cameras and recording devices before they are allowed into the facility.~~

~~(e) News media representatives must provide positive identification. Foreign media must have an "I" Visa on their passports.~~

~~(b)(d)~~ Representatives of news media visiting a facility are subject to search pursuant to per Rule 33-601.726, F.A.C.

~~(c)(e)~~ News media representatives must be escorted by staff. Random access not specific to the purpose of the visit is prohibited.

~~(d)(f)~~ During an emergency, news media representatives will be restricted to a designated media center.

(e) Media crews are limited to three (3) members.

(f) Attorneys, doctors, inmate family members, and victims or victim family members may not accompany media representatives on their visits.

(g) Each member of a media crew must fill out Form DC1-406, Media Access Background Form, and pass an NCIC/FCIC background check. Form DC1-406 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is . Form DC1-406 remains valid for six months from the date of signature.

(h) Media representatives must provide identification upon entry into the prison facility.

(i) Foreign media representatives must have an I Visa on their passports.

(j) Media will be given 30 minutes for equipment setup.

(k)(g) Interviews and photographs of on-duty staff may be permitted only with prior authorization of the Office of Public Affairs public affairs office and the staff member.

1. Department employees are not permitted to accept compensation for on-duty news media interviews.

2. Photographing on-duty staff without their permission is prohibited.

3. Inmate are not allowed to accept compensation for media interviews.

~~(2) The warden of an institution or his designee may authorize members of the news media to visit that institution for the purpose of observing institutional programs. Such visits may be authorized between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except holidays, provided the warden, or his designee, determines that such visits would not impair or disrupt the normal operations or security of the facility, and would not endanger the safety of the visitor.~~

~~The warden, or his designee, also may restrict the use of photographic or recording equipment, and may restrict areas of the facility which may be toured. Casual contact with inmates during tours shall not be of such duration that they are disruptive of program operations or institutional functions.~~

(l) Privacy rights of inmates shall be observed by the media. No photographs, movie films, television tapes, or recordings may be made without the consent of the inmate involved and the prior approval of the warden or his designee.

~~(3) A request from a news media representative for an interview with a specific inmate shall include the name of the inmate and such other identification as the media representative might possess. The request for an interview shall be made to the Department of Corrections Public Affairs Office in Tallahassee. Interviews may be granted, subject to prior approval of such interview by the inmate. The time and duration of the interview shall be determined by the public affairs office. Such interviews may be refused if:~~

~~(a) The inmate is in disciplinary confinement;~~

~~(b) The inmate is classified as close management;~~

~~(c) The inmate has serious psychological problems;~~

~~(d) The warden, or the assistant warden or the next senior officer present in the chain of command in the absence of the warden, has reason to believe that such interview will impair the security or normal operation of the facility;~~

~~(e) The inmate is a hospital or infirmary patient.~~

~~Interviews shall be approved at a time mutually agreeable to the facility warden, or the assistant warden or the next senior officer present in the chain of command in the absence of the warden, to the inmate and to the interviewer.~~

(4) Inmate Interviews. Media representatives wishing to conduct in-person inmate interviews must: News media representatives desiring to visit must be fully clothed, which includes shoes. Visitors shall not be admitted to the visiting area if they are not appropriately clothed or are dressed in revealing attire. Examples of inappropriate attire are: miniskirts, see-through blouses, bra-less attire, tank tops, swimsuits, shorts, undershirts, and other like attire.

(a) Write the inmate in accordance with the provisions of Rule 33-210.101, F.A.C., and request a handwritten, signed, and dated letter of consent from the inmate.

(b) Fax the inmate's consent as well as the contact information required by paragraph (3)(a) of this Rule to the Office of Public Affairs. Media representatives should allow at least two weeks for the interview clearance process. In addition to the provisions of subsection (3) of this Rule, the following conditions apply to all inmate interviews:

1. Phone interviews. Phone interviews are not coordinated through the Office of Public Affairs. To obtain a phone interview, news media representatives must write the inmate and request to be added to his phone list. The inmate will call you collect at his discretion once you have been added. This process can take several months.

2. The following will result in cancellation of an inmate interview and may result in refusal of future interviews for both the individual media representative and the media group:

a. Submitting false or incomplete information on a background form.

b. Failure to comply with security procedures, including dress code and interview setup procedures.

c. Failure to comply with instructions of on-site security staff.

d. A request by the inmate at any time and for any reason to cancel the interview.

3. Media representatives shall not be given access to inmates in special housing, such as disciplinary or administrative confinement, protective management, close or maximum management, mental health housing or infirmaries or to inmates receiving hospital care.

4. Inmates are allowed only one hour-long interview per month.

5. Only bona fide news media representatives are permitted on-site, on-camera interviews with inmates.

6. All inmate interviews must be conducted for the purpose of gathering information for a media event. The Office of Public Affairs strives to accommodate as broad a definition of media as possible.

7. The Florida Department of Corrections does not sign film crew or media location releases.

8. Visits may be authorized between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except holidays, provided the warden or designee determines that such visits would not impair or disrupt the normal operations or security of the facility and would not endanger the safety of the visitor.

9. Interviews shall not be allowed during inmate visitation.

10. No part of the institution may be filmed except the interior of the interview room.

11. Filming may only begin after the inmate has arrived and been seated. Close up shots of the prison sign at the institution's entrance are permitted. No exterior shots of the institution will be permitted. Failure to comply constitutes a serious threat to security. Violators shall have their interview cancelled and shall not be permitted future interviews.

12. Foreign Press. In addition to all of the above, foreign press members must provide criminal history clearance from the official criminal history registry of their native country. Contact information for a representative from the agency that maintains that registry must also be provided. A legible copy of the foreign media representative's passport must be submitted to the Office of Public Affairs.

13. Media representatives wanting to interview inmates housed at private facilities must contact the Florida Department of Management Services to arrange the interview.

(5) Program Visits – In addition to the provisions of subsection (3) of this Rule, the following conditions apply to all program visits, which are visits to a volunteer or staff led inmate betterment program:

(a) News media visits to inmate programs must be pre-arranged with the Office of Public Affairs.

(b) Programs qualifying for media visits can have one (1) visit per month for up to four (4) hours. Media representatives will have no more than 30 minutes to set up equipment.

(c) Programs involving inmate mental and physical health information do not qualify for media visits.

(d) The volunteer or staff program leader must pre-approve a program visit.

(e) Inmates who do not want to appear on film must be able to attend a program that is the subject of a program visit, and such inmates may not be filmed during the visit. Inmates shall be asked in advance of each program visit to sign Form DC6-236, Inmate Request, indicating consent to be videotaped.

Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C. Inmates who decline to provide written consent to be filmed shall be grouped together in a section during the program visit, and media representatives shall be advised not to film this group during the visit. Department personnel shall immediately stop any interview or program visit if it is discovered that a media representative is disregarding the wishes of an inmate who has not consented to being on camera.

(f) Department personnel shall immediately stop any interview or program visit if the media are refusing to cooperate with staff.

(g) Filming is allowed only in the program area and not on the open compound.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New 10-16-83, Amended 6-20-85, Formerly 33-5.14, 33-5.014, Amended 10-30-02,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-208.002
RULE TITLE: Rules of Conduct

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the search procedures to which employees are subject prior to entering a Department facility or institution.

SUBJECT AREA TO BE ADDRESSED: Rules of Conduct.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.002 Rules of Conduct.

The Department of Corrections requires all employees to familiarize themselves with all rules and regulations pertaining to their positions and duties, and requires that employees abide by these rules and regulations. The following rules of conduct and performance standards are applicable both on and off the job to all Department of Corrections employees. Some of these rules of conduct are found again in abbreviated form in the next section titled "Range of Disciplinary Actions;" however, all rules of conduct are enforceable by appropriate disciplinary action regardless of whether they are listed in the range of disciplinary actions.

(1) Each warden, officer-in-charge, and circuit administrator, or supervisor, as well as designated ~~Central Office staff~~ Officer Staff, shall be responsible for insuring that each employee under his supervision, before assuming the duties of his employment, is familiar with all rules and regulations of the Department and institution ~~that~~ which pertain to such employee and to the protection, custody, control, care and treatment of persons under his supervision or control. Each employee shall keep himself completely familiar and comply with all such rules and regulations during his employment. Copies of the rules and regulations shall be made available for inspection by employees.

(2)(a) Each employee shall make a full written report of any of the following within 24 hours or upon reporting to work for his next assigned shift, whichever is sooner:

1. Criminal charge filed against him; or

2. Arrest or receipt of a Notice to Appear for violation of any criminal law involving a misdemeanor, ~~or~~ felony, or ordinance except minor violations for which the fine or bond forfeiture is \$200 or less.

3. through (5) No change.

(6) No employee shall refuse to truthfully answer questions specifically relating to the performance of his ~~or her~~ official duties.

(7)(a) No employee shall refuse to submit to a search or inspection by an authorized employee; of his person, personal property or vehicle while entering, departing or otherwise being upon the premises of an institution. Refusal of an employee to submit to such search or inspection is considered as a serious form of insubordination. Upon proper notice to an employee occupying state-owned housing, such housing is subject to reasonable inspections for maintenance and sanitation purposes at least annually.

(b) All employees and contract staff shall be subject to some form of metal detection system search, and items in their possession or on their person shall be inspected prior to gaining entry to an institution or facility of the Department. Employees and contract staff may also be subject to a clothed pat search as a part of this routine search process. Outer wear such as jackets or coats and footwear shall be removed and inspected upon request during the metal detection process and during clothed pat searches. Routine searches conducted prior to entry to a Department institution or facility shall be performed by an employee of the rank of correctional officer or above.

(b) through (e) renumbered (c) through (f) No change.

~~(f) Any search of an employee's person which involves the touching of the employee's clothed body or visual inspection of the employee's unclothed body shall be conducted in private and out of the sight and hearing of other employees and inmates. The warden or officer-in-charge is authorized to make exceptions to the provisions regarding individual private clothed body searches when the physical plant makes~~

~~individual clothed searches impractical. In such cases, small groups of employees of the same sex can be subjected to clothed searches in a private area out of the sight and hearing of inmates and other employees. Such searches shall only be conducted, observed and supervised by officials of the same sex as the employee. Body cavity searches shall not be conducted.~~

~~(g) Clothed body searches shall be conducted by not less than two employees, one of which will serve as the observer. At least one of the officers shall be of the rank of sergeant or higher.~~

~~(g)(h) Any search of an employee's person that ~~which~~ involves the visual inspection of the employee's unclothed body shall be conducted in private and out of the sight and hearing of other employees and inmates. Such searches shall only be conducted, observed and supervised by officials of the same sex as the employee being searched. Such searches shall be conducted by not less than two employees, one of whom ~~which~~ will be at least the rank of correctional officer lieutenant. The correctional officer inspector shall assist in such searches unless he is unavailable and the delay associated with awaiting the inspector's arrival would jeopardize the effectiveness of the search. No more than three staff members shall be involved in the actual search. Group strip searches of employees shall not be permitted.~~

~~(i) An intensive search of an employee's person, property or vehicle shall be conducted by not less than two officials, at least one of whom shall be of a sergeant rank or higher to assume official responsibility for the search.~~

~~(h)(j) Property that is introduced into the secure perimeter such as purses, briefcases, ~~or~~ lunch boxes, or bags is subject to search at any time by an employee of the rank of a correctional officer or above ~~higher~~.~~

(8) No employee shall willfully or negligently treat an inmate in a cruel or inhuman manner, nor shall profane or abusive language be used in dealing with an inmate or person under the employee's ~~his~~ supervision.

(9) No employee shall report for duty or exercise supervision or control over any person while under the influence of a narcotic, barbiturate, hallucinogenic drug, central nervous system stimulant or an intoxicant. However, in the event any of the foregoing drugs is prescribed and administered to an employee, the employee shall report this to the circuit administrator, supervisor or officer-in-charge and provide him ~~or her~~ with a prescription receipt detailing the type of medication, dosage, and possible side effects. The circuit administrator, supervisor or officer-in-charge shall then make a determination whether the employee can perform his duties without detrimental effect. No employee shall refuse to submit to a scientific test to measure his alcohol blood level when

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-302.700
 RULE TITLE: Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters

PURPOSE AND EFFECT: On February 24, 2009, the St. Johns River Water Management District submitted a petition requesting that the Department designate certain waters in the Matanzas River basin as Outstanding Florida Waters (OFW). The petitioned area includes the coastal estuary between Moultrie Creek and the City of Palm Coast in southern St. Johns County and northern Flagler County.

SUBJECT AREA TO BE ADDRESSED: The Department is considering the proposal to designate this area as Outstanding Florida Waters and is holding a public workshop to discuss the proposal, gather information, and seek public opinion.

RULEMAKING AUTHORITY: 403.061, 403.087, 403.088, 403.804, 403.805 FS.

LAW IMPLEMENTED: 403.021, 403.061, 403.062, 403.087, 403.088, 403.101, 403.141, 403.182, 403.502, 403.702, 403.708, 403.918 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, January 19, 2010, 7:00 p.m.

PLACE: City Hall/Lightner Building, Alcazar Room, 75 King St., St. Augustine, Florida 32084

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Janet Klemm at (850)245-8427, or email: janet.klemm@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet Klemm at (850)245-8427, or by email: janet.klemm@dep.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-5.002
 RULE TITLE: Continuing Education Requirement

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to clarify the rule in the practice of prosthetics and orthotics.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirement.

RULEMAKING AUTHORITY: 468.802, 468.806 FS.

LAW IMPLEMENTED: 456.013, 456.024, 468.806 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists /MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-5.002 Continuing Education Requirement.

(1) As a condition of license renewal or recertification, each licensee must complete approved continuing education.

(a) Each licensee must complete the following continuing education within 24 months immediately preceding the date license renewal is due:

1. Orthotists/Prosthetists: 30 hours.
2. Pedorthists: 30 hours.
3. Orthotic fitters: 20 hours.
4. Orthotic Fitter Assistants: 10 hours.
5. Any licensee holding more than 1 license must complete a minimum of 30 hours of continuing education.

(b) For the biennium beginning December 1, 2009, each licensee's continuing education must include two hours on Chapters 456, 468 Part XIV, F.S., and Rule Chapter 64B14, F.A.C.; an up to date registration showing competency as a Healthcare Provider by the American Red Cross; and two hours of continuing education relating to the prevention of medical errors in the practice of prosthetics and orthotics, which shall include a study of root cause analysis, error reduction and prevention, and patient safety; and one hour in infection control, including HIV/AIDS.

(2) through (8) No change.

Rulemaking Authority 468.802, 468.803 FS. Law Implemented 456.013, 456.024, 468.806 FS. History—New 7-1-98, Amended 5-18-00, 7-18-02, 11-11-02, 2-15-05, 11-1-05, 3-2-08, 7-13-09, _____.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-7.001
 RULE TITLE: Standards of Practice

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to clarify the rule in the practice of prosthetics and orthotics.

SUBJECT AREA TO BE ADDRESSED: Standards of Practice.

RULEMAKING AUTHORITY: 468.802, 468.806 FS.

LAW IMPLEMENTED: 456.013, 456.024, 468.806 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-7.001 Standards of Practice.

(1) Pursuant to a licensed physician’s written prescription, the orthotist, prosthetist, resident, internship or pedorthist orthotic fitter or orthotic fitter assistant shall assume the responsibility for assessing the patient, planning the patient’s treatment plan program, and directing the program. No licensee shall implement a prescription that, in the licensee’s judgment, is contraindicated. No change shall be made in the prescription without the authorization of the prescribing physician.

(2) The licensee’s or registrant’s ~~orthotist, prosthetist, or pedorthist’s~~ professional responsibilities include:

(a) Ongoing consultation with the prescribing physician regarding information that will impact the patient’s medical and functional outcomes.

(b) Orthotic/prosthetic evaluation of the patient.

(c) Identification and documentation of precautions, special problems, or contraindications.

(d) Development of a treatment plan including the short and long terms goals.

(e) Implementation of a treatment plan.

(f) Periodic review and update of the treatment plan, including reassessment of the patient in reference to goals and, when necessary, modification of the treatment plan.

(g) Collaboration with members of the health care team when appropriate.

(h) Prior to rendering services, a ~~Advising the patient or guardian,~~ in terms which the patient or guardian can understand, of the nature and purpose of the services to be rendered, the nature and purposes of the prescribed device, and the treatment plan, techniques for use and care of an orthosis or prosthesis, and an estimate of delivery time and financial responsibilities.

(i) Determination of the appropriateness of proper fit and function of any orthosis or prosthesis.

(3) Sexual misconduct in the practice of “Orthotics/Prosthetics” by any person licensed under this chapter is prohibited. Sexual misconduct in the practice of orthotics/ prosthetics means exercising influence within the licensee-patient relationship for purposes of engaging a patient in sexual activity.

(4) It is below the standards of practice for any person licensed under this chapter ~~orthotists/prosthetists~~ to practice if they are unable to practice with reasonable skill and safety to patients by reason of illness, use of alcohol, drugs, narcotics or chemicals, or any other type of material, or as a result of any mental or physical condition.

(5) It is below the standard of practice and prohibited under this section for any person licensed under this chapter to delegate or assign activities, tasks or procedures that fall within the scope of any practice defined in Section 468.80, F.S., to support personnel, without providing direct supervision for the performance of the activities, tasks or procedures. Direct Supervision requires:

(a) The licensed orthotist, prosthetist, orthotist/prosthetist, or pedorthist to provide a physical evaluation of each patient’s orthotic and or prosthetic needs and may delegate appropriate duties to support personnel. However, the licensed practitioner shall physically evaluate the effectiveness, appropriateness and fit of all devices within the scope of the licensed practitioner’s licensure practice requirements, including those repaired devices in which the repairs affect the fit, physical structure or bio-mechanical function of the device, on every patient, prior to the delivery of the device;

(b) For the purpose of replacement of worn or broken components which do not in any way alter the fit, physical structure or bio-mechanical functioning of the existing device, direct supervision of support personnel providing repairs to orthoses or prosthesis means the aforementioned repair must be approved by the appropriately licensed practitioner prior to beginning of repairs. The responsible licensed practitioner must at all times be accessible by two way communication, enabling the supervisor to respond to questions relating to the repair.

Rulemaking Specific Authority 468.802 FS. Law Implemented 456.063(1), 456.072(1)(o), (u), 468.802, 468.808 FS. History–New 7-1-98, Amended 10-24-04, 1-16-06, _____.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.:
64B14-7.003

RULE TITLE:
Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes to revise the disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

RULEMAKING AUTHORITY: 456.072(4), 456.079(1) 468.802 FS.

LAW IMPLEMENTED: 456.072(4), 456.079, 468.811 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-7.004
 RULE TITLE: Citations

PURPOSE AND EFFECT: The Board proposes to change the calculation of the fine imposition.

SUBJECT AREA TO BE ADDRESSED: Citations.

RULEMAKING AUTHORITY: 456.072, 456.077 FS.

LAW IMPLEMENTED: 456.072, 456.077 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-7.004 Citations.

Pursuant to Section 456.077, F.S., the Board designates the following as citation violations:

(1) through (4) No change.

(5) Failure of the licensee to satisfy continuing education requirements established by the board: Fine of \$100 per hour of continuing education not completed ~~500~~.

(6) through (8) No change.

Rulemaking Specific Authority 456.072, 456.077 FS. Law Implemented 456.072, 456.077 FS. History—New 7-1-98, Amended 3-19-02, 10-24-04, 4-25-06, _____.

**Section II
 Proposed Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-1.603
 RULE TITLE: Permit Fees

PURPOSE AND EFFECT: The purposes and effects of this rule amendment are to: (1) adopt and charge the minimum fee of \$250 for all noticed general environmental resource permits contained in Chapter 40C-400, F.A.C., as set forth in Section 373.109(1)(b) F.S.; (2) adopt and charge the minimum fee of \$100 for District verification that an activity is exempt from regulation under part IV of Chapter 373, F.S., or Section 403.813, F.S., as set forth in Section 373.109(1)(c), F.S.; (3) adopt and charge the minimum fee of \$100 for the District conducting an informal wetland boundary determination, as set forth in Section 373.109(1)(d), F.S.; (4) increase each application fee authorized under part IV of Chapter 373, F.S., such that each fee reflects the upward adjustment in the Consumer Price Index compiled by the United States Department of Labor since the original fee was established or most recently revised, as set forth in Section 373.109(1)(a), F.S.; (5) establish by rule the inflation index to be used for this purpose (the Consumer Price Index for All Urban Consumers (CPI-U), compiled by the United States Department of Labor), as set forth in Section 373.109(1)(a), F.S., and subparagraph 62-113.200(12)(a)8. and paragraph 62-4.050(4)(z), F.A.C.; and (6) clarify that the application fees for propriety authorization to use State-owned lands under Chapters 253 and 258, F.S., are provided in Chapter 18-21, F.A.C.

This rulemaking implements the 2008 statutory amendments to Section 373.109, F.S., enacted pursuant to Section 18 of Senate Bill 1294 (2008), (Chapter 2008-150, Laws of Florida). Subsequent to the enactment of these statutory amendments, the Florida Department of Environmental Protection delegated its authority to implement the statutory amendment to the water management districts in subparagraph 62-113.200(12)(a)8., F.A.C. These statutory amendments require the following increases in permit application fees and